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March 3, 2009

BY HAND DELIVERY

Mr. John V. Giusti
Acting Chief
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Petition for Protection from Whipsawing and Stop Settlement
Payment Order on U.S. Tonga Route (IB Docket No. 09-10)**

**New Century InfoComm Tech Co., Ltd. –
Request for Confidential Treatment**

Dear Mr. Giusti:

On behalf of New Century InfoComm Tech Co., (“New Century” or the “Company”), enclosed please find a letter in response (“Response”) to your letter dated February 19, 2009 (the “Letter”).¹

In responding to your Letter, New Century has provided company-specific information about its business operations that is not ordinarily disclosed to any unrelated person or entity. Accordingly, pursuant to sections 0.457 and 0.459 of the Commission’s rules,² New

¹ Letter from John V. Giusti, Federal Communications Commission to Robert Aamoth, Kelley Drye & Warren LLP, Counsel to New Century InfoComm, Tech Co. Ltd. (Feb. 19, 2009).

² 47 C.F.R. §§ 0.457, § 0.459.

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Century requests that the Commission afford confidential treatment to the Response in its entirety.

The information for which New Century requests confidential treatment constitutes sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").³ Specifically, New Century requests confidential treatment of the Response, because it contains information that New Century ordinarily does not disclose to unrelated third parties, and disclosure of the information could have adverse competitive consequences for New Century.

Exemption 4 allows parties to withhold from public information "trade secrets and commercial or financial information obtained from any person and privileged or confidential-categories of materials not routinely available for public inspection." Applying Exemption 4, the courts have stated that commercial or financial information is confidential if its disclosure will have either of the following effects: (1) impairment of the government's ability to obtain necessary information in the future; or (2) causation of substantial harm to the competitive position of the person from whom the information was obtained.

Section 0.457(d)(2) of the Commission's rules allows persons submitting materials that they wish to be withheld from public inspection in accordance with Section 552(b)(4) of the FOIA to file a request for non-disclosure. The requirements governing such requests are set forth in section 0.459(b). In accordance with the specifications delineated in that rule, New Century hereby submits the following:

1. IDENTIFICATION OF SPECIFIC INFORMATION FOR WHICH
CONFIDENTIAL TREATMENT IS SOUGHT (SECTION 0.459(B)(1))

New Century seeks confidential treatment of its Response because the information contained therein comprises commercially sensitive information that falls within Exemption 4 of the FOIA.

2. IDENTIFICATION OF THE COMMISSION PROCEEDING IN WHICH
THE INFORMATION WAS SUBMITTED OR A DESCRIPTION OF THE
CIRCUMSTANCES GIVING RISE TO THE SUBMISSION (SECTION 0.459(B)(2))

New Century is filing its Response as directed by the February 19, 2009 Letter.

³ See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

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3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED (SECTION 0.459(B)(3))

New Century's Response contains specific information about the Company's internal business operations which New Century does not ordinarily disclose. The Response for which New Century seeks confidential treatment accordingly contain sensitive commercial information that competitors could use to New Century's disadvantage. The Commission has broadly defined commercial information, stating that "[c]ommercial' is broader than information regarding basic commercial operations, such as sales and profits; it includes information about work performed for the purpose of conducting a business's commercial operations."⁴

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION (SECTION 0.459(B)(4))

New Century provides telecommunications services which are subject to intense competition from numerous industry participants. Disclosure of information about the Company could have competitive consequences for New Century and could be used by competitors or others to harm the Company. This competition makes it imperative that the Commission afford confidential treatment to the Response.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM (SECTION 0.459(B)(5))

Release of the information for which New Century requests confidentiality could have a significant impact on its commercial operations and would provide competitors with an unfair competitive advantage.

6. IDENTIFICATION OF ANY MEASURES TAKEN TO PREVENT UNAUTHORIZED DISCLOSURE (SECTION 0.459(B)(6))

New Century ordinarily does not disclose information about its internal business operations. New Century requires all of its employees, agents and contractors to maintain the confidentiality of this information.

⁴

Southern Company Request for Waiver of Section 90.629 of the Commission's Rules, Memorandum Opinion and Order, 14 FCC Rcd 1851, 1860 (1998) (citing Public Citizen Health Research Group v. FDA, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).

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7. IDENTIFICATION OF WHETHER THE INFORMATION IS
AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE
OF THE INFORMATION TO THIRD PARTIES (SECTION 0.459(B)(7))

The information contained in the Response has not been disclosed to third parties.

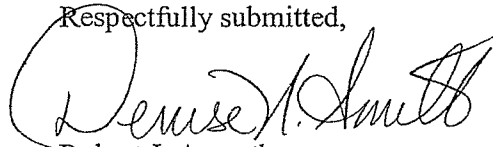
8. JUSTIFICATION OF PERIOD DURING WHICH THE SUBMITTING
PARTY ASSERTS THAT THE MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC
DISCLOSURE (SECTION 0.459(B)(8))

New Century respectfully requests that the Commission withhold the information
contained in the Response from public inspection indefinitely.

As demonstrated above, the information for which New Century seeks
confidential treatment is entitled to exemption from disclosure under both FOIA and the
Commission's rules.

If any person or entity requests disclosure of the enclosed Response, please notify
counsel for New Century immediately in order to permit it to oppose such request or take such
other action to safeguard its interests as it deems necessary. Please direct any questions as to this
matter, including the request for confidential treatment, to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Denise N. Smith", with a large, stylized initial "D" and "S".

Robert J. Aamoth

Denise N. Smith

*Counsel to New Century InfoComm Tech Co.,
Ltd.*

Attachment